

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 871

Introduced by Senator Runner

February 18, 2011

~~An act to amend Section 46300 of the Education Code, relating to school attendance. An act to amend Sections 45028 and 45032 of the Education Code, relating to teacher salaries.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 871, as amended, Runner. ~~School attendance: average daily attendance. Teacher salaries.~~

Existing law requires that each teacher employed by a school district be classified on a uniform salary schedule based on years of training and years of experience, except if the employer and the exclusive bargaining representative agree otherwise, pursuant to a collective bargaining agreement.

This bill would prohibit salary increases for teachers in any school year in which the instructional minutes or days are fewer than the minutes or days provided by the school district in the previous school year. The bill would specify that if these provisions are in conflict with a collective bargaining agreement, as provided, these provisions shall take effect upon the expiration of the agreement.

The bill would also make technical and conforming changes.

~~Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies in accordance with district revenue limits, the calculation of which is partly based on the average daily attendance of pupils at the schools operated~~

by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

~~This bill would make technical, nonsubstantive changes in a statute relating to the calculation of average daily attendance.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45028 of the Education Code is amended
2 to read:

3 45028. (a) (1) Effective July 1, 1970, each person employed
4 by a school district in a position requiring certification
5 qualifications, except a person employed in a position requiring
6 administrative or supervisory credentials, shall be classified on
7 the salary schedule on the basis of uniform allowance for years of
8 training and years of experience, except if a public school employer
9 and the exclusive representative negotiate and mutually agree to
10 a salary schedule based on criteria other than a uniform allowance
11 for years of training and years of experience pursuant to Chapter
12 10.7 (commencing with Section 3540) of Division 4 of Title 1 of
13 the Government Code. Employees shall not be placed in different
14 classifications on the schedule, nor paid different salaries, solely
15 on the basis of the respective grade levels in which ~~such~~ these
16 employees serve.

17 (2) ~~In no case shall the~~ The governing board of a school district
18 shall not draw orders for the salary of any teacher in violation of
19 this section, ~~nor shall any~~ and the superintendent shall not draw
20 any requisition for the salary of any teacher in violation thereof.

21 (3) This section shall not apply to teachers of special day and
22 evening classes in elementary schools, teachers of special classes
23 for elementary pupils, teachers of special day and evening high
24 school classes and substitute teachers.

25 (b) (1) It is not a violation of the uniformity requirement of this
26 section for a school district, with the agreement of the exclusive
27 representative of certificated employees, if any, to grant any
28 employee hired after a locally specified date differential credit for
29 prior years of experience or prior units of credit for purposes of
30 initial placement on the salary schedule of the district.

31 (2) This subdivision is declaratory of existing law.

(c) A public school employer and the exclusive representative of credentialed teachers may jointly apply to the Superintendent for technical assistance and planning grant funding to facilitate the planning of a salary schedule for teachers based on criteria in addition to years of training and years of experience, as described in subdivision (a). The Superintendent may make planning grants from funds appropriated for this purpose in the annual Budget Act or other legislation.

(d) To be eligible for grant funding pursuant to subdivision (c), the public school employer and the exclusive representative of credentialed teachers should consider a salary schedule designed to compensate teachers for the additional responsibilities, time, and effort required to serve in challenging school settings, and reward teachers for professional growth tied to their particular assignments.

(e) Public school employers and exclusive representatives of credentialed teachers are encouraged to recognize teacher contributions to improving pupil achievement, provide incentives to teachers to accept teaching assignments in areas of highest need, and recognize relevant professional experience on the salary schedule in lieu of units and degrees or in lieu of teaching experience.

(f) In any school year in which a school district reduces its instructional minutes or days to a level below the minutes or days provided in the previous school year, the school district shall not increase the salary of any teacher on the basis of years of training or years of experience. If the provisions of this subdivision are in conflict with the terms of a collective bargaining agreement in effect on or before January 1, 2012, the provisions of this subdivision shall govern the employees subject to that agreement upon the expiration of the agreement.

SEC. 2. Section 45032 of the Education Code is amended to read:

45032. ~~The~~ Except as specified in subdivision (f) of Section 45028, the governing board of a school district may at any time during any school year increase the salaries of persons employed by the district in positions requiring certification qualifications, ~~such increase to and this increase shall~~ be effective on any date ordered by the governing board.

1 SECTION 1. ~~Section 46300 of the Education Code is amended~~
2 ~~to read:~~

3 ~~46300. (a) In computing the average daily attendance of a~~
4 ~~school district or county office of education, there shall be included~~
5 ~~the attendance of pupils while engaged in educational activities~~
6 ~~required of those pupils and under the immediate supervision and~~
7 ~~control of an employee of the district or county office who~~
8 ~~possessed a valid certification document, registered as required~~
9 ~~by law.~~

10 ~~(b) (1) For purposes of a work experience education program~~
11 ~~in a secondary school that meets the standards of the California~~
12 ~~State Plan for Career Technical Education, “immediate~~
13 ~~supervision,” in the context of off-campus work training stations,~~
14 ~~means pupil participation in on-the-job training as outlined under~~
15 ~~a training agreement, coordinated by the school district under a~~
16 ~~state-approved plan, wherein the employer and certificated school~~
17 ~~personnel share the responsibility for on-the-job supervision.~~

18 ~~(2) The pupil-teacher ratio in a work experience program shall~~
19 ~~not exceed 125 pupils per full-time equivalent certificated teacher~~
20 ~~coordinator. This ratio may be waived by the state board pursuant~~
21 ~~to Article 3 (commencing with Section 33050) of Chapter 1 of~~
22 ~~Part 20 of Division 2 under criteria developed by the state board.~~

23 ~~(3) A pupil enrolled in a work experience program shall not be~~
24 ~~credited with more than one day of attendance per calendar day,~~
25 ~~and shall be a full-time pupil enrolled in regular classes that meet~~
26 ~~the requirements of Section 46141 or 46144.~~

27 ~~(c) (1) For purposes of the rehabilitative schools, classes, or~~
28 ~~programs described in Section 48917 that require immediate~~
29 ~~supervision, “immediate supervision” means that the person to~~
30 ~~whom the pupil is required to report for training, counseling,~~
31 ~~tutoring, or other prescribed activity shares the responsibility for~~
32 ~~the supervision of the pupils in the rehabilitative activities with~~
33 ~~certificated personnel of the district.~~

34 ~~(2) A pupil enrolled in a rehabilitative school, class, or program~~
35 ~~shall not be credited with more than one day of attendance per~~
36 ~~calendar day.~~

37 ~~(d) (1) For purposes of computing the average daily attendance~~
38 ~~of pupils engaged in the educational activities required of high~~
39 ~~school pupils who are also enrolled in a regional occupational~~
40 ~~center or regional occupational program, the school district shall~~

1 receive proportional average daily attendance credit for those
2 educational activities that are less than the minimum schoolday,
3 pursuant to regulations adopted by the state board; however, none
4 of that attendance shall be counted for purposes of computing
5 attendance pursuant to Section 52324.

6 (2) A school district shall not receive proportional average daily
7 attendance credit pursuant to this subdivision for a pupil in
8 attendance for less than 145 minutes each day.

9 (3) The divisor for computing proportional average daily
10 attendance pursuant to this subdivision is 240, except that, in the
11 case of a pupil excused from physical education classes pursuant
12 to Section 52316, the divisor is 180.

13 (4) Notwithstanding any other provision of law, travel time of
14 pupils to attend a regional occupational center or regional
15 occupational program shall not be used in any manner in the
16 computation of average daily attendance.

17 (e) (1) In computing the average daily attendance of a school
18 district, there shall also be included the attendance of pupils
19 participating in independent study conducted pursuant to Article
20 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for
21 five or more consecutive schooldays.

22 (2) A pupil participating in independent study shall not be
23 credited with more than one day of attendance per calendar day.

24 (f) For purposes of cooperative career technical education
25 programs and community classrooms described in Section 52372.1,
26 “immediate supervision” means pupil participation in paid and
27 unpaid on-the-job experiences, as outlined under a training
28 agreement and individualized training plans wherein the supervisor
29 of the training site and certificated school personnel share the
30 responsibility for the supervision of on-the-job experiences.

31 (g) (1) In computing the average daily attendance of a school
32 district, there shall be included the attendance of pupils in
33 kindergarten after they have completed one school year in
34 kindergarten or pupils in a transitional kindergarten program after
35 they have completed one year in that program if one of the
36 following conditions is met:

37 (A) The school district has on file for each of those pupils an
38 agreement made pursuant to Section 48011, approved in form and
39 content by the department and signed by the pupil’s parent or

1 guardian, establishing that the pupil may continue in kindergarten
2 for not more than one additional school year.
3 (B) The pupils participated in a transitional kindergarten
4 program pursuant to subdivision (c) of Section 48000.
5 (2) A school district may not include for apportionment purposes
6 the attendance of any pupil for more than two years in kindergarten
7 or for more than two years in a combination of transitional
8 kindergarten and kindergarten.